FILED
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(5)

No. 00-1937

In the Supreme Court of the United States

JOANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY, PETITIONER

v.

CLEVELAND B. WALTON, RESPONDENT

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

JOINT APPENDIX

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PETITION FOR WRIT OF CERTIORARI FILED: JUNE 27, 2001
CERTIORARI GRANTED: SEPT. 25, 2001

18 pp

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(RICHMOND)

No. 98-CV-339

CLEVELAND B. WALTON, PLAINTIFF

v.

KENNETH S. APFEL, COMMISSIONER OF
SOCIAL SECURITY, DEFENDANT

DOCKET ENTRIES

DATE	DOCKET NUMBER	PROCEEDINGS
6/5/98	1	COMPLAINT Filing Fee $ 150.00 Receipt # 46999 (scoo) [Entry date 06/08/98]
6/8/98	—	SUMMONS(ES) issued for Kenneth S. Apfel, U.S. Atty and Atty General picked up by counsel (scoo)
6/12/98	2	SUMMONS Returned Executed as to Kenneth S. Apfel 6/9/98. Answer due on 6/29/98 for Kenneth S. Apfel (lsal)

DATE	DOCKET NUMBER	PROCEEDINGS
8/5/98	3	ANSWER to Complaint by Kenneth S. Apfel (Attorney Debra Jean Prillaman), with large transcript (jpar)
8/18/98	4	ORDER plaintiff file his motion for summary judgment with brief in support thereof w/in 30 days from the date hereof; defendant file his motion for summary judgment with brief in support thereof including his response to plaintiff's motion for summary judgment w/in 60 days from the date hereof (signed by Magistrate Judge G. W. Downs) Copies Mailed: yes. (lsal)
9/10/98	5	MOTION by Cleveland B. Walton for Summary Judgment (adoh)
9/10/98	6	MEMORANDUM by Cleveland B. Walton in support of [5-1] motion by Cleveland B. Walton for Summary Judgment (adoh)

DATE	DOCKET NUMBER	PROCEEDINGS
		* * * * *
2/5/99	19	MOTION by Kenneth S. Apfel for Summary Judgment (lsal)
2/5/99	20	MEMORANDUM by Kenneth S. Apfel in support of [19-1] motion by Kenneth S. Apfel for Summary Judgment (lsal)
2/12/99	21	REPLY by Cleveland B. Walton to response to [5-1] motion by Cleveland B. Walton for Summary Judgment; and in opposition to [19-1] motion by Kenneth S. Apfel for Summary Judgment (lsal)
4/14/99	22	PROPOSED MEMORANDUM OPINION (signed by Magistrate Judge G. W. Downs) Copies Mailed: yes. (lsal)

DATE	DOCKET NUMBER	PROCEEDINGS
4/14/99	23	ORDER the Proposed Memorandum Opinion is FILED; all parties may file objections w/in 12 days. (signed by Magistrate Judge G. W. Downs) Copies Mailed: yes. (lsal)
4/23/99	24	OBJECTIONS by plaintiff Cleveland B. Walton to [22-1] Proposed Memorandum Opinion and [23-1] order of U.S. Magistrate Judge Downs (lsal)
5/4/99	25	Response by Kenneth S. Apfel to [24-1] objection by Cleveland B. Walton to the Report and Recommendations of Magistrate Judge Downs entered 04/14/99. (lsal) [Entry date 05/05/99]
10/26/99	26	MEMORANDUM OPINION (signed by Judge Robert E. Payne) Copies Mailed: yes. (lsal) [Entry date 10/27/99]

DATE	DOCKET NUMBER	PROCEEDINGS
10/26/99	27	ORDER the proposed Memorandum Opinion is affirmed and shall constitute the final decision of this Court (signed by Judge Robert E. Payne) Copies Mailed: yes. [EOD Date: 10/27/99] (lsal) [Entry date 10/27/99]
10/27/99	28	JUDGMENT entered by the Clerk, pursuant to Rule 58 and in accordance with the Final Order entered 10/26/99. Copies Mailed: yes. [EOD DATE: 10/27/99] (lsal)
		* * * * *
12/20/99	29	NOTICE OF APPEAL OF [26-1] Memorandum Opinion, [27-1] order by Cleveland B. Walton. No Fee Paid. TPO package mailed to plaintiff's attorney. (lsal)
12/20/99	30	MOTION by Cleveland B. Walton to Proceed in Forma Pauperis On Appeal (lsal)

DATE	DOCKET NUMBER	PROCEEDINGS
12/21/99	31	ORDER granting [30-1] motion by Cleveland B. Walton to Proceed In Forma Pauperis On Appeal. It is ORDERED that the appeal be filed without payment of any fees or costs, and that plaintiff may have the benefit of service of process without payment of any fees or costs (signed by Judge Robert E. Payne) Copies Mailed: yes. [EOD Date: 12/21/99] (lsal)
1/5/00	—	LETTER from Fourth Circuit Court of Appeals in re: transmitting a certificate to the USCA. (lsal)
1/5/00	—	USCA Case Number Re: CASE MANAGER: Cynthia W. Carter; USCA NUMBER: 00-1016 (lsal)
1/10/00	32	Certification of completion sent to USCA re: [29-1] appeal by Cleveland B. Walton (jpea)

DATE	DOCKET NUMBER	PROCEEDINGS
12/18/00	33	Opinion of USCA re: [29-1] appeal by Cleveland B. Walton AFFIRMED in part, REVERSED in part, and REMANDED by published opinion (jlil) [Entry date 12/19/00]
2/2/01	—	USCA LETTER that the time for filing a petition for rehearing has been extended. (khan)
2/15/01	—	USCA LETTER re: a timely petition for rehearing en banc has been filed (jlil)
2/27/01	34	USCA Order that the petition for rehearing and rehearing en banc is denied. (jlil) [Entry date 02/28/01]
3/7/01	35	JUDGMENT OF USCA (certified copy) Re: [29-1] appeal that in accordance with the written opinion of this Court filed this day, the Court affirms in part, reverses in part and remands the judgment of the District Court (jlil) [Entry date 03/08/01]

DATE	DOCKET NUMBER	PROCEEDINGS
3/19/01	36	ORDER that the counsel shall schedule a status telephone conference in this action to occur no later than 4/6/01; (signed by Judge Robert E. Payne) Copies Mailed: y (and to plaintiff) [EOD Date: 3/19/01] (thom) [Edit date 03/19/01]
3/20/01	—	Case reopened (See document #35) (thom)
4/3/01	37	ORDER that this case is remanded to the Commissioner of Social Security to issue a favorable decision finding Plaintiff disabled as of 10/31/94 and finding plaintiff entitled to a trial work period as stated in decision of USCA dated 12/18/00; upon remand, the Commissioner will calculate the benefits to which plaintiff is entitled consistent with decision of the USCA of the Fourth Circuit in this case (signed by Judge Robert E. Payne) Copies Mailed: [EOD Date: 4/3/01] (thom)

DATE	DOCKET NUMBER	PROCEEDINGS
4/3/01	—	Case closed (thom)
4/3/01	38	USCA Order that by Order dated 3/7/01 this Court granted appellant costs in the amount of $679.09; it has now come to the Court's attention that appellee had filed a timely objection to the bill of costs which was not addressed in this Court's Order; the Court vacates the order awarding costs and directs appellant to address appellee's objection to costs on or before 4/12/01; (thom)
7/6/01	—	USCA LETTER re: notice from Supreme Court that a petition for writ of certiorari has been filed. (thom) [Entry date 07/10/01]
10/11/01	—	USCA LETTER that a Supreme Court Order was filed on 9/25/01 granting certiorari (Supreme Court letter attached); (thom) [Entry date 10/15/01]

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-01016

CLEVELAND B. WALTON, PLAINTIFF-APPELLANT

v.

KENNETH S. APFEL, COMMISSIONER OF
SOCIAL SECURITY, DEFENDANT-APPELLEE

DOCKET ENTRIES

DATE	PROCEEDINGS
12/20/99	Counsel of record form filed by Kathryn Lee Pryor for Appellant Cleveland B. Walton. (cwc)
12/20/99	Docketing statement filed by Appellant Cleveland B. Walton [3113341-1] T/S needed [Y/N]: n T/S already on file?: n. [00-1016] (cwc)
1/4/00	Civil case docketed. (cwc)
1/4/00	Docketing notice issued. [00-1016] (cwc)
1/4/00	Briefing order filed. [00-1016] Appellant(s) brief/joint appendix due 2/14/00 for Cleveland B. Walton. (cwc)

DATE	PROCEEDINGS
1/6/00	Counsel of record form filed by Debra Jean Prillaman for Appellee Apfel, Commissioner. (cwc)
1/10/00	Certification of ROA complete and retained in the District Court. [00-1016] (cwc)
1/11/00	Counsel of record form filed by Eric P. Kressman for Appellee Apfel, Commissioner. (cwc)
2/9/00	Brief joint appendix filed by Appellant Cleveland B. Walton. Type of Service: HD Copies of brief: 4 # brf. pages: 76 Copies of apx: 4 # apx pages: 186 Sufficient?[Y/N]: y 2-sided copying: y [00-1016] Appellee brief due 3/10/00 for Apfel, Commissioner. (wtc)
3/10/00	Brief filed by Appellee Apfel, Commissioner. Type of Service: CD Copies: 8 # brf pages: 56. Sufficient [Y/N]: y. [00-1016] (rba)
3/24/00	Reply brief filed by Appellant Cleveland B. Walton. Type of Service: HD Copies of brief: 8 # brf pages: 37. Sufficient [Y/N]: y. . . [00-1016] (rba)

DATE	PROCEEDINGS
7/14/00	Case tentatively calendared for oral argument Session: 9/00 Place: Richmond. SUBMISSION DEADLINE: 7/24/00. (jc)
7/21/00	Motion filed by Appellee Apfel, Commissioner to continue oral argument. [3223069-1]. [00-1016] (saw)
7/21/00	ORDER FILED granting motion to continue oral argument [3223069-1] Argument continued until the week of 10/30/00 through 11/3/00. Copies to all counsel. [00-1016] (dsd)
8/18/00	Case tentatively calendared for oral argument Term: November Place: Richmond. SUBMISSION DEADLINE: August 28, 2000. (jle)
9/7/00	Case calendared for oral argument. [00-1016] (jc)
9/21/00	Supplemental authorities (FRAP 28(j)) filed by Appellee Apfel, Commissioner [3257003-1]. [00-1016] (rba)
9/27/00	Supplemental authorities (FRAP 28(j)) filed by Appellant Cleveland B. Walton [3260305-1]. [00-1016] (rba)

DATE	PROCEEDINGS
10/5/00	Motion filed by Appellee Apfel, Commissioner to present demonstrative evidence at oral argument [3264996-1]. [00-1016] (cwc)
10/16/00	Supplemental authorities (FRAP 28(j)) filed by Appellant Cleveland B. Walton [3269636-1]. [00-1016] (rba)
10/24/00	COURT ORDER filed granting motion for use of physical exhibit [3264996-1] Copies to all counsel. [00-1016] (cwc)
10/30/00	Oral argument heard. Courtroom Deputy: JLC, Jr. [00-1016] (jc)
12/18/00	Published, authored opinion filed. [00-1016] (bhr)
12/18/00	Judgment order filed. Decision: affirmed in part, reversed in part and remanded. EOD Date: 12/18/00. [00-1016] (bhr)
1/3/01	Bill of costs filed by appellant. [3309653-1] [00-1016] (cwc)
1/11/01	Response in opposition of appellant's bill of costs filed [3314688-1] by Appellee Apfel, Commissioner to bill costs [3309653-1] [00-1016] (cwc)

DATE	PROCEEDINGS
1/22/01	Motion filed by Appellee Apfel, Commissioner to extend time to file petition for rehearing [3320112-1]. [00-1016] (cwc)
1/22/01	Counsel of record form filed by Mark Simon Davies for Appellee Apfel, Commissioner. (cwc)
1/22/01	Counsel of record form filed by John Crawford Hoyle for Appellee Apfel, Commissioner. (cwc)
2/1/01	COURT ORDER filed granting motion to extend time to file pet reh until 2/15/01 [3320112-1] Copies to all counsel. [00-1016] (cwc)
2/7/01	CORRECTED Court order filed granting appellee's motion to extend time to file pet reh [3320112-1] Copies to all counsel. [00-1016] (cwc)
2/15/01	Petition filed by Appellee for rehearing. Number copies filed: 20 [3335566-1]., for rehearing en banc. Number of copies filed: 20 [3335566-2] [00-1016] (cwc)
2/21/01	Federal Reporter Citation: 235 F.3d 184. [00-1016] (vsl)

DATE	PROCEEDINGS
2/27/01	COURT ORDER filed denying motion for rehearing [3335566-1] EOD Date: 2/27/01, denying motion for rehearing en banc [3335566-2] EOD Date: 2/27/01. Copies to all counsel. [00-1016] (cwc)
3/7/01	ORDER FILED awarding costs in the amount of $ 679.09. Copies to all counsel. [00-1016] (cwc)
3/7/01	Mandate issued. [00-1016] (cwc)
4/2/01	ORDER FILED to vacate order of 3/7/01 and directing appellant to address appellee's objection to costs on or before 4/12/01. [3362928-1]. Copies to all counsel. [00-1016] (cwc)
5/2/01	Memorandum in support of appellant's bill of costs filed by Appellant [3380594-1]. [00-1016] (cwc)
5/3/01	ORDER FILED denying costs. Copies to all counsel. [00-1016] (cwc)
5/23/01	Supreme Court notice that an extension of time to file a petition for rehearing has been granted until 06/27/01. [00-1016] (jh)

DATE	PROCEEDINGS
7/3/01	Supreme Court notice that petition for certiorari was filed on 06/27/01. Spct No.: 00-1937 Spct Pty 1: Larry G. Massanri Spct Pty 2: Cleveland B. Walton. [00-1016] (jh)
10/11/01	Supreme Court order received granting petition certiorari [3417432-1] on 09/25/01. [00-1016] (jh)